

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MARGARET WALLACE :  
 : CIVIL ACTION  
 :  
 :  
 GRAPHIC MANAGEMENT : NO. 04-CV-0819  
 ASSOCIATES, INC., STEVE GARZA, and :  
 EDWARD OLIVER :

**SURRICK, J.**

**JUNE 21, 2005**

**MEMORANDUM & ORDER**

Presently before the Court is Defendant Graphic Management Associates, Inc.'s ("GMA") Motion To Dismiss Randy Seidel As A Defendant. (Doc. No.55.) For the following reasons Defendant's Motion will be granted.

**I. FACTS**

Plaintiff alleges that she was sexually harassed by her supervisor Edward Oliver, discriminated against on the basis of race and national origin in violation of Title VII of the Civil Rights Act of 1964 ("Title VII"), 42 U.S.C. §§2000e to 2000e-17, and the Pennsylvania Human Relations Act ("PHRA"), 43 Pa. Cons. Stat. §§ 951-963, and retaliated against after complaining to management. (Doc. No. 1 at 8.) Plaintiff is acting pro se.

Defendant files the instant Motion To Dismiss Randy Seidel As A Defendant citing Plaintiff's August 3, 2004 Motion to Admit Evidence (Doc. No. 18). (Doc. No. 55 at 1.) Plaintiff's Motion to Admit Evidence was denied on September 1, 2004. (Doc. No. 32.) The substance of Plaintiff's Motion involved notes taken by Linda Remmel at Plaintiff's deposition. However, attached to Plaintiff's Motion was a letter to "Randy Siedel" (sic) from Plaintiff dated August 2, 2004 informing Seidel that he is a defendant in this case. (Doc. No. 18 unnumbered

ex. 1 at 1. Plaintiff did not file a motion to add Seidel as a Defendant. Federal Rule of Civil Procedure 20 requires Plaintiff to file an appropriate motion asserting that the right to any relief arises out of the same transaction, occurrence or series of transactions or occurrences. Joinder may be denied if it would result in prejudice, expense or delay. Wright & Miller, Federal Practice and Procedure §1652 (joinder may be denied “since defendant did not file a proper motion for joinder of the additional parties until more than three months after it informed the court of its intent. . . . )

Defendant commenced this lawsuit on February 26, 2004.<sup>1</sup> (Doc. No. 1.) Plaintiff’s letter purporting to add Seidel as a Defendant was filed on August 2, 2004. Plaintiff’s filing does not allege how Seidel is in any way involved in this case. Moreover, Seidel was not served with this document as required by Rule 4(m) of the Federal Rules of Civil Procedure. (Doc. No. 55 at 1.) Under the circumstances, Plaintiff’s attempt by letter to add Randy Seidel as a defendant must be rejected. Defendant’s Motion is granted.

An appropriate Order follows.

---

<sup>1</sup>The matter was reassigned to this Judge on February 2, 2005.

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MARGARET WALLACE :  
 :  
 : CIVIL ACTION  
 :  
 :  
 :  
 GRAPHIC MANAGEMENT : NO. 04-CV-0819  
 ASSOCIATES, INC., STEVE GARZA, and :  
 EDWARD OLIVER :

**ORDER**

AND NOW, this 21<sup>st</sup> day of June 2005, it is ORDERED that Defendant Graphic Management Associates, Inc's Motion To Dismiss Randy Seidel As A Defendant (Doc. No. 55, 04-CV-1819) is GRANTED.

IT IS SO ORDERED.

BY THE COURT:

S:/R. Barclay Surrick, Judge